

USSN: 09/560,170

Attorney Docket No.: 117-P-1345US01

Remarks

Applicants thank the Examiner for extending to the undersigned attorney the courtesy of a telephonic interview on Monday, October 18, 2004. Agreement was not reached, but applicants were asked to summarize their arguments in writing. The substance of the interview involved the arguments presented below.

Claims 1 – 51 are pending, with claims 1 – 19 and 28 – 38 having been withdrawn from consideration. Applicants request clarification in the next office action as to the current status of claim 39.

**Rejection of Claims 20, 22 – 24, 27, 41 – 44
and 47 – 51 under 35 USC §102(b)**

Claims 20, 22 – 24, 27, 41 – 44 and 47 – 51 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,421,782 (Bolgiano et al.). Bolgiano et al. describe a factory process for coating vinyl flooring tiles. A radiation-curable first layer is applied to the tiles followed by a second layer containing water, acrylic acid and a surfactant. This is in some respects the inverse of Applicants' claimed system. Bolgiano et al.'s second layer (which solely for purposes of discussion could be referred to as a "topcoat") would be *more* strippable than Bolgiano et al.'s first layer (which solely for purposes of discussion could be referred to as an "intermediate coating") when each is coated alone atop a vinyl composite tile. Bolgiano et al.'s second layer contains no initiator. If coated alone atop a vinyl composite tile, it would not polymerize and would easily be stripped. Bolgiano et al.'s first layer is nonaqueous (see, e.g., col. 6, lines 11 and 53), is applied and cured using factory-type coating conditions in which the moving coated tiles are passed under medium pressure mercury lamps (see e.g., col. 5, lines 46 – 53), is not said to be strippable, and would be expected by a person skilled in the art to be very difficult to strip (see, e.g., numbered paragraph 11 in the Hei Declaration). Applicants' claim 20 recites that the polymerized topcoat is *less* strippable than the intermediate coating when each is coated alone atop a vinyl composite tile. Bolgiano et al. do not show and actually teach away from applicants' claimed system. Applicants accordingly request withdrawal of the rejection of claims 20, 22 – 24, 27, 41 – 45 and 47 – 51 under 35 USC §102(b).

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Rejection of claim 21 under 35 USC §103

Claim 21 was rejected under 35 USC §103(a) as being unpatentable over Bolgiano et al. in view of Published PCT Application No. WO 94/22965 (Koreltz et al.). As discussed above, Bolgiano et al. do not show and in fact teach away from applicants' claimed system. Combining Koreltz et al. with Bolgiano et al. would not change this. Applicants' claim 21 laminate finish system is not shown or suggested by Bolgiano et al. or Koreltz et al., whether taken alone or in any proper combination. Applicants accordingly request withdrawal of the rejection of claim 21 under 35 USC §103(a).

Conclusion

Applicants have made an earnest effort to overcome the rejections. Bolgiano et al. do not teach and in fact teach away from a system having a polymerized topcoat that is less strippable than an intermediate coating when each is coated alone atop a vinyl composite tile. Koreltz et al. describe strippers for conventional finishes of the type used by applicants as an intermediate coating but do not overcome Bolgiano et al.'s deficiencies. Applicants' laminate finish systems are not shown or suggested by Bolgiano et al. or Koreltz et al., whether taken alone or in any proper combination.

Passage of the application to the issue branch is respectfully requested. The Examiner is encouraged to telephone the undersigned attorney if there any questions regarding this application or any suggestions which might resolve outstanding issues.

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